

BEFORE THE MONTANA LEGISLATURE  
HOUSE NATURAL RESOURCES COMMITTEE  
TESTIMONY OF THE  
TONGUE RIVER WATER USERS' ASSOCIATION  
HOUSE BILL NO. 121

January 26, 2011

Mr. Chairman and Members of The House Natural Resources Committee:

On behalf of the Tongue River Water Users' Association, I respectfully submit this testimony on House Bill 121.

With all due respect to Representative Hands, and those who believe that this bill will help those who may be harmed by coal development, we respectfully must oppose House Bill 121.

The Tongue River Water Users' Association wants clean water. Period.

HB121, while perhaps laudable in its attempt to establish a fund to compensate people harmed by coal development, would nonetheless merely provide an after-the-fact remedy, and would simply be too little, too late.

To the best of our knowledge, there are at least 100 ground water rights that could be adversely affected by development of the Otter Creek Tracts, to say nothing of the potential devastating impacts to precious surface waters and surface water rights in the area.

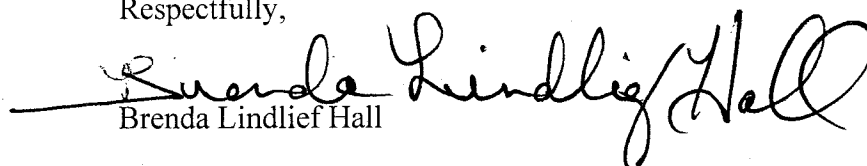
Five million dollars, even with interest accruing (assuming it does accrue), would not come close to being sufficient to compensate water rights holders for the loss of ground water rights, the loss of surface water quality, and the corresponding damage to land and crops, including diminution of land values, that could result from coal development. Recall that in 2008, the corporations that own Colstrip agreed to a \$25 million settlement for ground water contamination.

The water in the Otter Creek area is highly saline and sodic. The people in southeastern Montana are already contending with pressure on their surface water quality from discharges of highly saline and sodic waters from the Decker Coal Mine, from the Spring Creek Coal Mine, and from coalbed methane development. Given the various sources contributing to water quality problems, it will be extremely difficult to apportion the harm from Otter Creek or other discrete sources of contamination in order to determine how much harm a person has suffered and fairly compensate them for the harm to their water, soils and crops.

The better solution would be prevention: build facilities to treat the highly saline and sodic water from coal mines before the water is discharged to surface waters.

All the water that will ever be, is . . . right now. We must protect it, not treat it like a replaceable commodity.

Respectfully,

  
Brenda Lindlief Hall